

AMENDED IN SENATE APRIL 22, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 929

**Introduced by Senator Pavley
(Coauthor: Senator Hancock)**

(Coauthors: Assembly Members Brownley, Lieu, Ma, Salas, Saldana,
and Torlakson)

February 1, 2010

An act to amend the heading of Article 10.1.1 (commencing with Section 25214.1) of Chapter 6.5 of Division 20 of, and to add Section 25214.2.1 to, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, Pavley. Hazardous materials: children's jewelry: heavy metals.

Existing law prohibits the manufacturing, shipping, selling, or offering for sale, or offering for promotional purposes children's jewelry containing lead above a specified concentration.

This bill would additionally prohibit the manufacturing, shipping, selling, or offering for sale, or offering for promotional purposes children's jewelry containing cadmium *equal to, or in excess of, a specified level*. The bill would prohibit a manufacturer from replacing cadmium with certain carcinogens or reproductive toxicants.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 10.1.1 (commencing with Section 25214.1) of Chapter 6.5 of Division 20 of the Health and Safety Code is amended to read:

Article 10.1.1. Heavy Metal-Containing Jewelry

SEC. 2. Section 25214.2.1 is added to the Health and Safety Code, to read:

25214.2.1. (a) Notwithstanding any other law, a person shall not manufacture, ship, sell, offer for sale, or offer for promotional purposes children's jewelry that contains cadmium *equal to, or in excess of, 75 parts per million total weight* for retail sale or promotional purposes in the state.

(b) In complying with subdivision (a), a manufacturer shall not replace cadmium with either of the following:

(1) A carcinogen rated by the United States Environmental Protection Agency as carcinogenic to humans, likely to be carcinogenic to humans, or possessing evidence suggestive of carcinogenic potential.

(2) A carcinogen known to the state to cause cancer as listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section ~~25249.5~~) of Division 20) ~~25249.5~~) list of chemicals known to cause cancer or reproductive toxicity.

(c) In complying with subdivision (a), a manufacturer shall not replace cadmium with either of the following:

(1) A reproductive toxicant that causes birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency.

(2) A reproductive toxicant listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section ~~25249.5~~) of Division 20) ~~25249.5~~) list of chemicals known to cause cancer or reproductive toxicity.

(d) *Notwithstanding subdivision (c) of Section 25257.1, the department may consider children's jewelry containing cadmium as a product category in the department's implementation of Article 14 (commencing with Section 25251).*

1 *(e) This section does not prohibit the department from adopting*
2 *a stricter standard for children's jewelry containing cadmium*
3 *pursuant to regulations adopted pursuant to Article 14*
4 *(commencing with Section 25251).*

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